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Advogados

September 08, 2021

**VIA ECF**

The Honorable Andrew L. Carter, Jr.  
U.S. District Judge, U.S. District Court, Southern District of  
New York Thurgood Marshall, U.S. Courthouse  
40 Foley Square, Courtroom 1306  
New York, NY 10007

**Re: Tantaros v. Fox News Network, LLC et al., 1:19-cv-07131-ALC-RWL**

Dear Judge Carter,

We represent Respondents Fox News Network, LLC, Suzanne Scott, Dianne Brandi, and Irena Briganti (collectively, the “Fox Parties”). Pursuant to Your Honor’s September 1, 2021 Order (Dkt. 41), the Fox Parties, Respondents the Estate of Roger Ailes (the “Ailes Estate”) and William Shine (“Shine”) (together with the Fox Parties and the Ailes Estate, the “Respondents”) and Petitioner Andrea Tantaros (“Tantaros” or “Petitioner”) jointly submit this status report and proposed briefing schedule.

As the Court is aware, before Petitioner’s Motion for Interlocutory Appeal was granted, Respondents filed Motions to Dismiss Petitioner’s Petition (Dkt. 59 & 62). On November 18, 2020, the Court denied those Motions “without prejudice to refile once the Second Circuit has resolved Petitioner’s interlocutory appeal.” (Dkt. 86). On August 27, 2021, the Second Circuit affirmed this Court’s December 17, 2019 Order denying Petitioner’s Motion to Remand to State Court (Dkt. 40). However, the Second Circuit has not yet issued its mandate pursuant to Rule 41 of the Federal Rules of Appellate Procedure. Petitioner has indicated that they intend to file a Petition for Rehearing En Banc with the Second Circuit.

Accordingly, the Parties believe that this Court should issue a briefing schedule as soon as possible after the mandate issues and propose the following schedule for briefing on Respondents' renewed Motion(s) to Dismiss:

- Motion(s) due within 5 days of the mandate being issued
- Opposition(s) due 30 days after filing of the Motion(s)
- Reply(ies) due 14 days after filing of the Opposition(s)

The Parties respectfully request that the Court approve the briefing schedule proposed above.

Respectfully submitted,



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CC: All counsel of record (via ECF)